

REMARKS

Claims 1-14 are all the claims pending in the present application. The Examiner previously rejected claims 1-6, 8-10 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bluetooth (specification of the Bluetooth System, vol. 1.0a, July 26, 1999), and rejected claims 7, 11, 12 and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bluetooth in view of Shona (US Patent No. 5,799,085). However, the Examiner now rejects all of the pending claims 1-14 under 35 U.S.C. § 102(a) as allegedly being anticipated by Bluetooth.

In view of the Examiner's assertions set forth in the present Office Action, and the assertions set forth in the Advisory Action dated May 20, 2005, Applicant maintains that the Bluetooth reference still does not teach or suggest the specific limitations set forth in the present claimed invention.

That is, with respect to independent claims 1 and 7, even if, *arguendo*, the Examiner has identified specific messages in the Bluetooth reference which allegedly correspond to the claimed messages¹, the specific operations (c) and (d) of claim 1, for example, are not satisfied. Applicant submits that even if one substitutes the messages of the Bluetooth that allegedly correspond to the claimed first authentication request message, predetermined message, and authentication response message, respectively, as recited in claim 1, the specific recitations set

¹ The Examiner alleges that: 1) the LMP_unit_key (or LMP_comb_key) message corresponds to the claimed "predetermined message", 2) the LMP_in_rand (or LMP_au_rand) message corresponds to the claimed "first authentication-request message", and 3) the LMP_accepted (or LMP_not_accepted) message corresponds to the claimed "authentication response message".

forth in claim 1 are still clearly not satisfied by Bluetooth². The Examiner is apparently utilizing impermissible hindsight reasoning, as the Examiner appears to be picking and choosing different portions of the applied reference to satisfy the specific features set forth in claim 1. By stepping through the recitations of claim 1, for example, it is evident that the Bluetooth reference does not satisfy the particular features set forth in claim 1. Similar arguments were previously submitted and Applicant maintains these arguments.

Further, with respect to the operation (c), the Examiner appears to contradict himself with respect to this claim. That is, on page 6 of the Office Action dated January 27, 2005, the Examiner states that the Bluetooth reference does not teach operation (c) of claim 1. However, the Examiner now alleges that the Bluetooth reference does satisfy this particular feature. Thus, the Examiner's arguments do not appear to be consistent. Applicant submits that this inconsistency of arguments by the Examiner is a direct reflection of the fact that the Bluetooth reference does not satisfy at least operations (c) and (d) of claim 1.

Therefore, at least based on arguments previously submitted and the arguments set forth above, Applicant submits that the Bluetooth reference does NOT anticipate claim 1.

With respect to dependent claims 2-6, 8-11, 13, and 14, Applicant submits that these claims are patentable at least by virtue of their indirect or direct dependency from independent claim 1.

With respect to independent claim 7, Applicant maintains the previous arguments and submits that this claim is patentable at least based on reasons similar to those set forth above

² See arguments in previous Amendment.

with respect to claim 1. Further, with respect to claim 7, the Examiner is yet again inconsistent in his arguments, as the Examiner previously stated that Bluetooth does not satisfy the feature, “after performing the step (a) and prior to performing the step(c), checking an authentication condition of the present device when a predetermined message from the other device is received,” because the Bluetooth reference does not expressly disclose how to determine the authentication condition. The Examiner previously indicated that Shona makes up for this particular deficiency of Bluetooth. However, the Examiner now alleges that the Bluetooth reference satisfies the above-quoted feature. Hence, the inconsistent argument. Applicant maintains the previous arguments and submit that Bluetooth does not anticipate claim 7.

Similarly, with respect to independent claim 12, the Examiner previously acknowledged that the features of this claim were not satisfied by the Bluetooth reference, however the Examiner alleged that Shona makes up for the deficiencies of the Bluetooth reference. Applicant traverses this rejection at least based on reasons similar to those set forth above.

Request for Interview

Applicant’s representatives note that the Examiner has indicated (via voicemail) that he would be available to discuss this case in the near future. Applicant’s representatives thank the Examiner for returning our phone calls and will be contacting the Examiner to schedule an interview in the above-identified case.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/721,713

ATTORNEY DOCKET NO. Q61823

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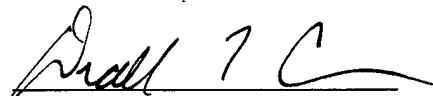
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Diallo T. Crenshaw
Registration No. 52,778

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